

MS. GRAHAM: Yes, but we have started assigning numbers to them.

PRESIDENT CASSELL: Okay, fine.

MS. GRAHAM: Section 1, "Health." Mr. President, I move the adoption of Section 1, "Health."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1 on health, line 1, in the article on health, housing and social services, be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting the section on health, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 1 is adopted.

MS. GRAHAM: Mr. President, I move the adoption of Section 2, "Housing."

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 2 on housing be adopted. Is there discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting Section 2, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 3, "Social Services."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3 on social services be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting Section 3, as written, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of the article, "Health, Housing and Social Services."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we adopt the article on health, housing and social services. Discussion? Delegate Barnes?

MR. BARNES: Well, I discovered one typo, and it's on page 2.

MS. GRAHAM: Thank you.

MR. BARNES: The very last sentence doesn't seem to make sense, the last two words.

MS. GRAHAM: We will revise that, sir.

MR. BARNES: It should just "of the Board," period.

MS. SIMMONS: Right.

MR. BARNES: All right.

MS. GRAHAM: Is that clear?

PRESIDENT CASSELL: There should be a period after the word "Board."

Those in favor of adopting the article on health, housing and social services, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The article on health, housing and social services, second reading, has been adopted.

Delegate Graham, next?

(Pause.)

PRESIDENT CASSELL: Delegate Graham, which are we doing now?

MS. GRAHAM: Mr. President, we're going to do finance and taxation, sir.

PRESIDENT CASSELL: Very good.

MR. MARCUS: Could I have one second with delegate Graham?

PRESIDENT CASSELL: Yes. We go next, fellow delegates, to finance and taxation. The President has been requested to allow five minutes to read the article that has just been passed out.

MR. LOVE: What article are we on, Mr. Chair?

PRESIDENT CASSELL: We're on finance and taxation.

MS. GRAHAM: Mr. President --

PRESIDENT CASSELL: Delegate Graham, we're allowing five minutes to read this article.

(Whereupon, a brief recess was taken.)

MS. SIMMONS: Mr. President, I have a point of order.

PRESIDENT CASSELL: Yes?

MS. SIMMONS: Not only did I stay here until 3:00 last night, but I made sure that we had nine articles duplicated, 60 copies, 32 pages, and presented here this morning, only to have that resource, that energy, that work and that time wasted by having them separated and passed out. So, we now waste time passing out nine different times, when this document of 32 pages was put together.

Now, we don't have to be feeble-minded to know that that's a waste of resources and a waste of human energy and time. I resent it deeply, and I want you to know that no longer are resources at my disposal available to this kind of insanity.

PRESIDENT CASSELL: Are you referring to the Executive Branch article?

MS. SIMMONS: I'm referring to the fact that we are passing out -- here we have nine sections that had been ready for duplication for second reading stapled together so that all the people had to do was to turn to whichever one was

called by the Chairman. She had people out here taking these apart so that we could spend time passing them out like we're shuffling a deck of cards today.

PRESIDENT CASSELL: Delegate Graham?

MS. GRAHAM: May I explain, Mr. President, to the convention? When it was brought to the committee, the committee decided that maybe we should pass them out separately so we could give each one ample consideration. That was the only reason, and we certainly thank you, Ms. Simmons, for your effort.

MS. SIMMONS: No. The point at which you receive something has nothing to do with it receiving ample consideration.

MS. GRAHAM: May I say this, Mr. President? What we generally do when we get something like that is we go through it first to be sure it's okay before we pass it on.

MS. SIMMONS: You had all of them ready.

MS. GRAHAM: I had no idea, nor did the members of the committee have when they said, "Well, let's pass it out singularly," Lollie, anything other than speeding us on to what we are doing. That was the main purpose I was told when they made that decision, Mr. President.

PRESIDENT CASSELL: When were they all ready,

7
—
delegate Graham?

MS. GRAHAM: This morning.

PRESIDENT CASSELL: Are all of them distributed now?

MS. GRAHAM: Well, we have had most of them out. We have some right here, and if you want me to stop now and give all the others out, I'll do that.

MS. SIMMONS: Do you see how many times we're passing out, when that document could have gone out one time with all nine sections in it?

PRESIDENT CASSELL: I don't know whether we can remedy that situation now, because we are expected to give our full time and attention to the readings and voting.

MS. GRAHAM: Yes.

PRESIDENT CASSELL: So, it would have been well to have had it all out, but the Style and Drafting Committee made that decision.

MS. GRAHAM: That's what they made, Mr. President.

PRESIDENT CASSELL: Okay. Delegate Thomas?

MR. THOMAS: Mr. Chairman, I would like to support delegate Simmons a hundred percent, and I would like for the record to show that this is one of the problems I had with the Style and Drafting Committee on Judiciary. I just wanted to reinforce her point.

PRESIDENT CASSELL: Delegate Rothschild?

MR. ROTHSCCHILD: For the record, I would like to say I have tremendous respect for the work that has come out of Style and Drafting, and they should be getting double pay for all the work they're doing. Making one little mistake like that I don't think necessitates an attack on the committee, plus I would say that that type of mistake or logic has been rampant throughout this whole convention and there's no need to explode to it on any one particular issue. We've lived with it for 90 days.

MS. SIMMONS: We have 72 hours left.

MR. ROTHSCCHILD: We can put up with it for another couple of hours.

PRESIDENT CASSELL: Delegate Graham, why don't we make sure that everybody has all of them now?

MS. MAGUIRE: Point of information.

PRESIDENT CASSELL: Yes?

MS. MAGUIRE: Could you give me the order now in which we're proceeding?

PRESIDENT CASSELL: Delegate Maguire, we're trying to be flexible. We've done the Executive Committee and we have done Health, Housing and Social Services. The next one is Finance and Tax. We've done Health, Housing and Social

Services, and the Executive Committee.

MS. GRAHAM: That's what we have just completed.

PRESIDENT CASSELL: We are going next to Finance and Taxation.

(Pause.)

PRESIDENT CASSELL: The convention is back in order now. We allowed some people to read Finance and Taxation. More importantly, we allowed some time for the second articles to be read today, to be passed out to you.

Delegate Graham, the ones that I have are Finance and Taxation; Health and Housing has already been read; Land Use. Are there others?

MS. GRAHAM: Local Authority. Did you get Local Authority?

PRESIDENT CASSELL: Local Authority?

MS. GRAHAM: Local Authority should be there. If it's not, I'll get you one.

PRESIDENT CASSELL: I don't have that.

MS. GRAHAM: Okay.

PRESIDENT CASSELL: We've got it now. All right, delegate Graham.

MS. GRAHAM: Mr. President, may we present the article on finance and taxation, Section 1, "Fiscal Period?"

I move the adoption of Section 1, "Fiscal Period."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1, "Fiscal Period," of the finance and taxation article be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting Section 1, as written, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 1 is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 2, "The Budget."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 2, "The Budget," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those

in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 2 on the budget is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 3, "Adoption of the Budget."

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3, "Adoption of the Budget," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 3, "Adoption of the Budget," is adopted.

MS. GRAHAM: Mr. President, I move the adoption of Section 4, "Expenditures."

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 4 on expenditures be adopted. Is there discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 4 on expenditures is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 5, "Borrowing."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 5 on borrowing be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 5 is adopted. Ms. Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 6, "Debt Service Limitations."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 6 on debt service limitations be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting Section 6, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 6, "Debt Service Limitations," is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 7, "Taxation."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 7 on taxation be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 7 on taxation is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 8, "Earmarking."

PRESIDENT CASSELL: Second?

MS. GRAHAM: Is there a second to that?

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 8 on earmarking be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor of adopting Section 8, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 8 is adopted. Delegate Graham?

MS. GRAHAM: I move the adoption of Section 9, "Limitations on Appropriations."

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 9, "Limitations on Appropriations," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 9 is adopted.

MS. GRAHAM: Mr. President, I move the adoption of the article, "Finance and Taxation."

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the article on finance and taxation, as read, be adopted. Discussion?

MR. COATES: Mr. President?

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: The Committee on Style and Drafting has deleted from the article on finance and tax sections relating to the budget of schools and the budget of courts. We understand the rationale, which I assume is to place the budget of the schools in the article on education and the section regarding the budget of the courts in the article on the judiciary.

However, it is to be assured, sir, that those sections still include the provisions incorporated when they

were adopted as part of the article on finance and tax. I'd like that indication for the record.

PRESIDENT CASSELL: You are reflecting the provisions that have already been made as reflected herein?

MS. GRAHAM: Yes.

MR. COATES: That's correct.

MS. GRAHAM: Mr. President, we did move the budget on schools to the article on education, and we moved the budget of state courts to judiciary, and that was with the consent, I thought, of the chairperson and the committee.

MR. COATES: Oh, yes, no question about consent. But my question now is to assure that that shift involved no substantive change in the provisions of either section; that is, the one regarding education or the one regarding the courts.

PRESIDENT CASSELL: That's a question. Delegate Graham?

MS. GRAHAM: Yes. We promise you we will not make any substantive change. We have not made any substantive change.

MS. FEELEY: You'd better double-check us, though, later.

MS. GRAHAM: Yes, check with us so you'll be sure

you're satisfied with, if any changes have been made, what those changes are.

PRESIDENT CASSELL: You are admonished to monitor the work of the Style and Drafting Committee in this regard to assure that your concerns are given due consideration.

MS. GRAHAM: Yes.

MR. COATES: Thank you, sir.

PRESIDENT CASSELL: And it appears that that ought to be done some time very soon.

MR. COATES: Thank you, sir.

PRESIDENT CASSELL: Delegate secretary?

MR. COOPER: Reverend Coates, there was some melded language on the courts budget. I don't know if you were here that night when that melded language came up, but it was a mesh between our language and the language of the judiciary. So, that might be an area that you'll want to look at.

MS. GRAHAM: We will let you see it, Mr. Coates.

PRESIDENT CASSELL: Is this something that should be done before the day is out?

MS. GRAHAM: Well, I think I have it over here.

PRESIDENT CASSELL: I don't mean now, but should he approach the table at some point and speak to some individual?

MS. GRAHAM: I can let him see it before day is over.

yes. He can see exactly what it is.

PRESIDENT CASSELL: Okay. Perhaps some committee member would want to confer with him.

MS. GRAHAM: Yes.

PRESIDENT CASSELL: Thank you.

MR. COATES: Do I understand correctly, sir, that by adopting second reading action with respect to finance and tax, we do not place ourselves in an impossible parliamentary situation whereby we cannot get to the section on budget for schools and the section on budget for the courts, such that we could assure that they are consistent with the adoption when adopted as a part of the Committee on Finance and Tax?

PRESIDENT CASSELL: Well, you know, we have not gotten to the second reading of Education yet.

MS. GRAHAM: That will be coming out, Mr. President.

PRESIDENT CASSELL: I can only presume that what should be included therein is there; I personally don't know. Regarding the courts, we have done the second reading there.

MR. COOPER: Yes.

PRESIDENT CASSELL: Delegate Coates, do you have a copy of the second reading of the article on judiciary?

MR. COATES: No, I do not, sir.

PRESIDENT CASSELL: Let me read it to you briefly.

"Section 14, Financing. The Chief Justice of the Supreme Court shall submit to the Governor an annual budget" -- please, delegates.

"The Chief Justice of the Supreme Court shall submit to the Governor an annual budget for the judicial system. The Governor shall transmit the proposed budget to the Legislature without changing it, but may make recommendations with respect to it. The Governor shall not be required to propose revenues to fund the entire submission, but must propose revenues to finance that portion of the proposed budget recommended for acceptance by the Legislature."

MR. COATES: That does not meet the provisions of the section adopted in the article on finance and tax, which beyond those provisions which you read, sir, includes the requirement of the submission of qualitative and quantitative analyses.

PRESIDENT CASSELL: It appears that what was handed to me and from which I read to you was not the most recent document. Therefore, may we come back to that?

MR. COATES: Yes, sir.

PRESIDENT CASSELL: Well, I think I'd better wait because I'd like to get rid of this particular section. Delegate Brian Moore?

MR. B. MOORE: I just wanted to clarify for delegate Coates and reiterate what delegate Graham said, that we did make the necessary changes. We did combine the two articles on both finance and taxation and education, but because of an oversight or a time pressure, we were not able to get it into the word processor and it was inadvertently left out.

But we do have the original and we can show you the original, and it will be incorporated.

MS. GRAHAM: It's in judiciary.

MR. COOPER: That's the one in the judiciary.

MR. B. MOORE: That's judiciary. I was referring to education and finance.

MS. GRAHAM: It's in education.

PRESIDENT CASSELL: Let me read to him the amendment which we -- has this been passed?

MR. COOPER: Yes.

PRESIDENT CASSELL: Okay. The second reading -- delegate Coates, let me read this quickly now. Amendment to the judiciary article, Section 14, delegate Coates, for conformity to the finance and tax article: "Before each fiscal period, the Chief Justice of the Supreme Court shall submit to the Governor a budget for the judicial system, including detailed estimates of necessary appropriations and

expenditures, full-term operating and capital improvements projections, and a qualitative and quantitative description of court activities. The Governor shall transmit the proposed budget to the Legislature without changing it, but may make recommendations with respect to it. The Governor shall not be required to propose revenues to fund the entire submission, but must propose revenues to finance that portion of the proposed budget recommended for acceptance by the Legislature."

MR. COATES: That, sir, is consistent with the action which we took in adopting the article on finance and tax as regards the courts budget.

PRESIDENT CASSELL: Perhaps you'd like to confer with the Education Committee chairperson, who is here now, regarding what will be read soon when their report comes up in that regard.

MR. COATES: I do have a copy of that, and I know that this is not before us -- that is, the article on education is not before us.

PRESIDENT CASSELL: Well, having read that, do you have any concerns about our voting on the finance and taxation article?

MR. COATES: Yes, I do, because if the article on education is adopted in its present posture, then that would

represent a substantive change in the section on education which was a part of the article on finance and tax.

PRESIDENT CASSELL: Delegate Graham?

MS. GRAHAM: I have some copies of third readings on the judiciary. Maybe we can find that and we can see that right away.

PRESIDENT CASSELL: All right.

MR. COATES: Judiciary is acceptable and consistent with our action; there's no substantive change.

PRESIDENT CASSELL: It's the Education Committee report which he feels does not do justice to the purpose of finance and taxation. Well, I'd like to get rid of this article on finance and taxation and move forward. First of all, had there been a change which would make this consistent with finance and taxation?

MS. GRAHAM: Mr. President, he accepted the change for judiciary, and since this deals with --

PRESIDENT CASSELL: Well, we want to vote on the article on finance and taxation.

(Pause.)

PRESIDENT CASSELL: We want to see the article on education so that we can see if it's consistent with the intent of finance and taxation, inasmuch as they eliminated

that portion from their report.

Let me ask whether you think we should defer consideration on this and return, or whether we should resolve it now.

MS. GRAHAM: Mr. President, could we defer this and move to another one, and then have a ten-minute recess so that we can analyze this and see exactly where we are?

PRESIDENT CASSELL: Okay. Now, there's a motion on the floor to adopt the article on finance and taxation.

MS. GRAHAM: Yes.

MR. COATES: Since we're moving forward, I would propose an amendment to the motion pending to provide that we adopt the article on finance and tax on second reading, except the deletion of the section on education.

(The motion was duly seconded.)

PRESIDENT CASSELL: Well, is the effect of that to insert the section on education in this article that we shall adopt, which, when we consider it again, will be to delete it?

MR. COATES: It will allow the possibility that the section on education would not have received second reading approval. It would therefore be appended, sir.

PRESIDENT CASSELL: That's kind of imprecise because the "except for the article on budget" is not included in here.

So, it isn't clear what is being excepted and what is being deleted, or whose deletion is denied.

MR. COATES: The second reading proposal before us incorporates the deletion of those two sections. My amendment would delete only that section regarding the courts.

PRESIDENT CASSELL: Okay. Let me hear from delegate Brian Moore.

MR. B. MOORE: Mr. Coates, we found the sections that were combined. When we were doing the education article this morning, I drew from the finance and taxation section and put it in both the higher education area and the board of education area. Can I read these to you now to give you some security that we have implemented the ideas put forth in your finance and taxation --

PRESIDENT CASSELL: Please, may we have a cessation of all talking on the floor and movement on the floor? Delegate Moore?

MR. B. MOORE: May I read them to you?

MR. COATES: Our concern is about primary and secondary education.

MS. GRAHAM: This what he'll read.

MR. B. MOORE: Yes. Now, the exact words in the education section were: "Each fiscal period, the Legislature

shall appropriate a total sum for the State Board of Higher Education and the institutions subject to its control, but not in line-item manner. The expenditure of this money shall be under the exclusive control of the State Board of Higher Education."

MS. GRAHAM: Is that what you're talking about?

MR. COATES: No, it's not.

MR. B. MOORE: Here is what you're talking about. We took from your section and it goes as follows: "The State Board of Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of all primary and secondary schools. For each fiscal period, the Legislature shall appropriate a total budget sum for the State Board of Education, but not in a line-item manner. This budget shall include full-term operating projections, capital improvements projections, as well as qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Education."

MS. GRAHAM: This what you're talking about?

MR. COATES: That is correct.

MS. GRAHAM: Okay. That is to be in Education. Does

that satisfy you?

MR. COATES: Yes, it does.

PRESIDENT CASSELL: And the committee hereby certifies that that, read exactly as you have stated, will be incorporated in the education article?

MS. GRAHAM: Yes, yes.

PRESIDENT CASSELL: Do you accept that?

MR. COATES: Yes. I ask permission to withdraw the amendment.

PRESIDENT CASSELL: Very good. The motion on the floor --

MR. B. MOORE: Point of information, Mr. President. The section I read to you, Mr. Coates, was for the State Board of Education. We have another similar one for the state higher education -- the same wording.

MR. COATES: Thank you, sir.

PRESIDENT CASSELL: Thank you, delegate Coates.

The motion on the floor is to adopt the article on finance and taxation, as read. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: The article on finance and taxation is adopted. Thank you very much, committee.

MS. GRAHAM: Thank you.

PRESIDENT CASSELL: Delegate Graham?

MS. GRAHAM: Yes?

PRESIDENT CASSELL: What is the next article to be read for the second time?

MS. GRAHAM: The next article, Mr. President, is economic development, and we will begin with land use.

PRESIDENT CASSELL: Ladies and gentlemen, the next article is the article on economic development, and the area to be considered is that of land use.

MS. GRAHAM: Yes.

PRESIDENT CASSELL: That has been passed out?

MS. GRAHAM: Yes.

PRESIDENT CASSELL: We will now read. Land use, delegate Graham.

MS. GRAHAM: Mr. President, I move the adoption of Section 1, "Comprehensive Plan."

PRESIDENT CASSELL: Second?

MS. GRAHAM: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1, "Comprehensive Plan," line 1 of the economic development article, be adopted. Is there discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting Section 1, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 1, "Comprehensive Plan," is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move the adoption of Section 2, "Eminent Domain."

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 2 on eminent domain, line 12 of pages 2 and 3, be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those

in favor of adopting Section 2, "Eminent Domain, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 2 is adopted. Section 3?

MS. GRAHAM: Mr. President, I move the adoption of Section 3, "Public Land Acquisition."

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3 on public land acquisition be adopted, as written. Is there discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 3, "Public Land Aquisition," is adopted. Section 4, "Zoning."

MS. GRAHAM: Mr. President, I move the adoption of Section 4, "Zoning."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 4 on zoning be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of Section 4, as written, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 4 is adopted.

MS. GRAHAM: Mr. President, I move the adoption of the article, "Land Use."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the article on economic development, "Land Use," be adopted. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: That portion of the article on economic development, "Land Use," is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move the section, "The Environment," of the article on economic development, Section 1, "Public Policy," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1, "Public Policy," under the environment portion of the article on economic development be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 1, "Public Policy," is

adopted. Delegate Graham?

MS. GRAHAM: Mr. President, I move that Section 2, "Preservation," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 2, "Preservation," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 2, "Preservation," is adopted. Delegate Graham?

MS. GRAHAM: Mr. President, delegate Brian Moore will continue while I get the others that we need. I'll be right back.

PRESIDENT CASSELL: Thank you. Delegate Moore?

MR. B. MOORE: Yes. Section 3, "Rights of Individuals," I move that it be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3 on rights of individuals be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 3 is adopted. Section 4?

MR. B. MOORE: I move that Section 4, "Legislative Responsibility," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 4 on legislative responsibility be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The section is adopted. Mr. Moore?

MR. B. MOORE: I move that the entire section on the environment be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that that portion of economic development entitled "The Environment" be adopted. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The environment portion is adopted. Mr. Moore?

MR. B. MOORE: I move that Section 1 of Transportation, Utilities and Energy, entitled "Transportation," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 1 under Transportation, Utilities and Energy of the

economic development article be adopted. Those in favor?

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: All right. Section 1 is adopted.
Delegate Moore?

MR. B. MOORE: I move that Section 2, entitled
"Utilities," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that
Section 2, "Utilities," be adopted. Discussion? Delegate
Love?

MR. LOVE: Fellow delegates, we all got a letter
from a C&P person in our mailboxes today. I just want people
to be very sure as we vote this utilities section -- you should
understand that we'll have a fair amount of opposition to
this section out in the world. So, I'm not making any motions,
but I do want to bring it to your attention that we have
already gotten a rather strong letter from C&P, and we may get
strong letters from other people.

MS. SIMMONS: Who was the person who gave us such a

letter?

MR. LOVE: We received a letter from --

PRESIDENT CASSELL: The Chair does not know what is on the floor. Delegate Love?

MR. LOVE: I'm speaking to this section --

MR. BLOUNT: Mr. President, it seems to me that the delegate is just making an announcement. We all have that letter.

MS. SIMMONS: No, we don't.

MR. BLOUNT: Well, it was in the boxes, or somebody passed them out. But the point is unless he's going to make a motion or somebody has made a waiver, or whatever, then I think we should move on.

PRESIDENT CASSELL: Delegate Love?

MR. LOVE: No motion. I'm just bringing it to their attention so they know what to do.

MR. CROFT: Point of order. I'd like to respond to that.

PRESIDENT CASSELL: Delegate Croft?

MR. CROFT: I'd like to rise to a point of information.

PRESIDENT CASSELL: Yes.

MR. CROFT: Point of personal privilege. The point

of personal privilege is that this whole section on utilities has been deliberately misrepresented by the Washington Post and by representatives of the public utilities.

Number one, every public utility in this city was invited to the round table and to the public hearings. A member of the Public Utilities Commission is on our committee. I am not a fool. I would certainly not consider anything about public utilities in which they were not invited to that.

PEPCO was the only public utility that indeed showed up, and they showed up at the round table. Now, the gentleman who wrote that letter was informed by Ms. Ellington -- he was read off to by Ms. Ellington the names of people who were invited to that public hearing. He was read the names and he was read Del Lewis' name on that. Even though he was read the names of people who were invited, including Del Lewis, he chose to write a letter in which he states that C&P was not invited. I consider that a deliberate falsification, and I just want to clear this record.

I want to raise another point. You know, it has been said in the press that the first language that we used talked about the state taking over public utilities. We have never said the state would take over the public utilities. We have merely said that the state may own and acquire the public

utilities.

Now, I want to raise a question about Mr. Love's statement. Are you suggesting that the delegates in this convention cave in to a letter written by somebody from the public utilities? The words "vested interest" have been used a lot.

Mr. Love, the people who do have a vested interest are, indeed, C&P Telephone Company. I do not have a vested interest in that, nor do any of the other delegates. Now, are you suggesting that we make our decisions on the basis of a letter from a member of a public utility commission who falsified statements in it?

PRESIDENT CASSELL: One answer and then let's move on, please.

MR. LOVE: I'm suggesting that, first of all, you should be able to place on the record your objections because it happens to have been brought up in terms of the community coming in. Also, the delegates understand that there have been some objections.

I am not suggesting anything beyond the idea that I think we should at least take cognizance of those facts and put on the record our reasons for doing what we're doing for posterity.

MR. JACKSON: Point of order, Mr. Chairman.

PRESIDENT CASSELL: The motion on the floor is --

MR. JACKSON: I would like to speak to a point of order, Mr. Chair. We will have many, many letters from many, many people before we complete this constitution. I would hope that the Chair would rule it out of order anytime anyone comes up to scare us about what we, in our wisdom, have chosen to pass. Thank you, Mr. Chair.

PRESIDENT CASSELL: Thank you. The motion on the floor is to adopt Section 2 on utilities. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There were two "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The ayes have it; the section is adopted. Section 3?

MR. B. MOORE: I move that Section 3, titled "Publicly-Owned Utilities," be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded

that Section 3 on publicly-owned utilities be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There were three "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion is adopted.

MR. B. MOORE: I move that the entire section under economic development entitled "Transportation, Utilities and Energy," be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the portion of the article on economic development which is entitled "Transportation, Utilities and Energy" be adopted. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: All right. Transportation, Utilities and Energy is adopted. Yes, sir, next?

MR. B. MOORE: The next section is entitled "Labor Relations." Section 1, entitled "Collective Bargaining," I move that this be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1 entitled "Collective Bargaining," under the labor relations portion of economic development be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting Section 1, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Those who abstain?

(No response.)

PRESIDENT CASSELL: The motion carries; Section 1 is adopted. Delegate Brian Moore?

MR. B. MOORE: I move that Section 2, "Minimum Wages, Equal Pay, Health and Safety," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 2 on minimum wages, equal pay, and health and safety be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The section is adopted. Delegate Croft?

MR. CROFT: There was an amendment offered by delegate Shelton, and I think in fairness to delegate Shelton, our body should --

MR. JORDAN: Hers passed today in the bills of rights; it's in Rights.

PRESIDENT CASSELL: We are unaware of an amendment. The secretary doesn't have one and I don't have one.

r64

MR. CROFT: I'm sorry, I'm sorry.

PRESIDENT CASSELL: Okay. Delegate Moore?

MR. B. MOORE: I believe that we're on Section 3. I move that Section 3, entitled "Administration of Labor Relations," be adopted.

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3, "Administration of Labor Relations," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 3 is adopted. Delegate Moore?

MR. B. MOORE: I move that the entire subsection entitled "Labor Relations" under the article entitled "Economic Development" be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the Labor Relations subsection be adopted. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: The subsection is adopted.
Delegate Moore?

MR. B. MOORE: Under the subsection of Banking and Corporations, Section 1, entitled "State Banking Commission" --
I move that it be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the subsection -- did you say Section 1, "State Banking Commission?"

MR. B. MOORE: That's correct.

PRESIDENT CASSELL: All right; that Section 1, "State Banking Commission," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by

saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Delegate Moore?

MR. B. MOORE: I move that Section 2 be adopted,
entitled "State Depositors Insurance Fund."

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: Section 2, "State Depositors
Insurance Fund." Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 2, "State Depositors
Insurance Fund," is adopted.

MR. B. MOORE: I move that Section 3, entitled
"State Economic Development Bank," be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 3, "State Economic Development Bank," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 3 is adopted.

MR. B. MOORE: I move that Section 4, entitled "Corporations," be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 4, "Corporations," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 4 is adopted.

MR. B. MOORE: I move that the entire subsection of Banking and Corporations under the article entitled "Economic Development" be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. It has been moved and seconded that the subsection "Banking and Corporations" be adopted. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

MR. COOPER: Abstain.

(Pause.)

PRESIDENT CASSELL: Shall we continue?

MS. SIMMONS: Yes, sir, I think we should.

(Laughter.)

PRESIDENT CASSELL: Delegate Simmons, statements made from the floor below the table will not be counted.

Delegate Moore?

MR. B. MOORE: I move that the entire article entitled "Economic Development" be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the article on economic development be adopted. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: The motion carries, and the article on economic development is adopted. Delegate Croft, congratulations.

MR. CROFT: Thank you.

PRESIDENT CASSELL: I should say it's adopted on second reading.

Well, delegate Moore, what's next?

MR. B. MOORE: I think Local Government is next.

PRESIDENT CASSELL: Local Authority?

MR. B. MOORE: Is it over there?

MR. LOVE: No.

MR. B. MOORE: No?

MR. LOVE: We all have Legislature.

MR. LONG: Legislature.

MR. LOVE: We all have Legislature.

MR. JORDAN: Let's go to Education.

MS. LOCKRIDGE: We don't have it.

MR. B. MOORE: We don't have Education or Suffrage.

MS. SIMMONS: Suffrage was done. Why don't you have Suffrage?

PRESIDENT CASSELL: Well, just a minute now. Are you saying that -- it's a very, simple, short one -- Local Authority is not ready? Is it ready?

MS. SIMMONS: I have it in my hand.

PRESIDENT CASSELL: Well, can we read that one, delegate Moore?

MR. B. MOORE: Which one is that?

PRESIDENT CASSELL: Local Authority.

MR. B. MOORE: Yes, sir.

PRESIDENT CASSELL: Ladies and gentlemen, there are only three pages; now, this is Local Authority. May we have a reading on that?

MR. SCHRAG: Do you have an extra copy of that?

PRESIDENT CASSELL: I think they have been passed out.

Very good. Would you please proceed, delegate Moore?

MR. B. MOORE: Okay, fine. I move that Section 1, entitled "Authority for Chartering a Local Government Unit," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: All right. It has been moved and seconded that Section 1 on line 1, "Authority for Chartering a Local Government Unit," under the subsection "Local Authority" under the article on Local Government, be adopted. Is there discussion?

(No response.)

PRESIDENT CASSELL: Those in favor of Section 1, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 1 is adopted. Delegate Moore?

MR. B. MOORE: I move Section 2, entitled "Implementation."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 2, "Implementation," under Local Authority be adopted. Is there discussion?

(No response.)

PRESIDENT CASSELL: Those in favor of Section 2 on implementation, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 2 on implementation is adopted. Delegate Moore?

MR. B. MOORE: I move that Section 3, entitled "Charters," be adopted.

PRESIDENT CASSELL: Second? Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 3 on charters be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of Section 3 on charters, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 3 is adopted. Delegate Moore?

MR. B. MOORE: I move that Section 4, entitled "Special Districts," be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: Hey, let's be fast with those "seconds" now; a little faster. I see them coming late.

It has been moved and seconded that Section 4 on special districts be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 4 is adopted. Delegate

Moore?

MR. B. MOORE: I move Section 5, entitled "Advisory Neighborhood Commissions."

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 5 on advisory neighborhood commissions be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of Section 5, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 5 is adopted. Delegate Moore?

MR. B. MOORE: I move that the entire section entitled "Local Authority" be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that the Local Authority subsection be adopted. Those in favor,

indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Local Authority is adopted.

Thank you, sir. What is next, sir?

MR. B. MOORE: Just for your information, Mr.

President, this was the second part of Local Government and Transition, and the other part was already completed.

MS. GRAHAM: Intergovernmental Relations has been done.

PRESIDENT CASSELL: Intergovernmental Relations is still up for second reading.

MR. B. MOORE: No. I believe it was completed.

MS. GRAHAM: The third.

MR. B. MOORE: It's up for third.

MS. GRAHAM: Yes. Transition is not quite ready yet.

PRESIDENT CASSELL: Transition, second reading?

MS. GRAHAM: Yes.

PRESIDENT CASSELL: What is next for second reading?

MS. GRAHAM: Mr. President, we handed you just then

a part of Economic Development that was not quite ready, and it's called Labor Relations. So, if you'll look at Labor Relations --

MR. B. MOORE: We've already done that.

MS. GRAHAM: You did that?

MR. COOPER: Yes.

MS. GRAHAM: I'm sorry. Will you take out your Legislature, because we will go to that next? It was passed out two days ago.

PRESIDENT CASSELL: Gerry Warren, could we speak to you for a moment?

(Pause.)

PRESIDENT CASSELL: Ladies and gentlemen, if you would get out your Article II, your article on legislature, we are about to read for second reading.

MS. JONES: Charlie, Terrell already waived that.

PRESIDENT CASSELL: Do we have some evidence that he waived it?

MS. JONES: I gave them to delegate Baldwin. He had two copies of it, and Mr. Terrell signed the waiver.

PRESIDENT CASSELL: Well, that's what I don't have, the signing of the waiver.

(Pause.)

MS. GRAHAM: Mr. President, may I show you a copy of what delegate Jones is talking about?

PRESIDENT CASSELL: It has just been handed to me.

We're about to have the second reading of the article on legislature.

MS. GRAHAM: Mr. President, I move the adoption of the first section of the article on the legislature, Section 1, "Legislative Power."

(The motion was duly seconded.)

PRESIDENT CASSELL: Would you hold it for just a moment?

(Pause.)

PRESIDENT CASSELL: Delegate Graham, please proceed.

MS. GRAHAM: Mr. President, I move the adoption of Section 1, "Legislative Power."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 1 on legislative power of the article on legislature, line 1, be adopted. Discussion?

MS. GRAHAM: May I speak to that, Mr. President?

PRESIDENT CASSELL: You may.

MS. GRAHAM: Delegate Jones passed in an amendment to Section 1, line 4 that, where appropriate, the word

"Legislature" be changed to "House of Delegates."

(The motion was duly seconded.)

MS. GRAHAM: Accordingly, late in the article, all references to "legislators" are changed to "delegates."

PRESIDENT CASSELL: Let me ask a question. I have another communication here signed by James Terrell that reads as follows: "Delegate Kameny's amendment to call the state legislature 'The legislature' and its members 'legislators' is accepted by the committee. Mr. Kameny will perfect the language for the amendment."

Now, let me see if I can interpret this.

MS. JONES: Could I clarify that, Mr. President?

PRESIDENT CASSELL: Yes.

MS. JONES: Mr. Terrell agreed to waive on two things. One, he agreed to waive on the two amendments that we have that he intended to mesh together. He also agreed to waive Mr. Kameny's amendment, which is in direct conflict with ours. Now, what's first among equals, I don't know. That's something you have to tell us.

I passed both of ours into delegate Baldwin, who was chairing the meeting at that time.

PRESIDENT CASSELL: You passed them both in?

MS. JONES: Yes. We had one that's dated the 25th

r79

that has 15 delegates' names on it, and we have another one that is just signed by me, and we were meshing the two together.

PRESIDENT CASSELL: Well, did this come through you, also, the one approving the waiver of the legislation appellation by Kameny?

MS. JONES: No, it did not. It came through Mr. Terrell, our chairman.

PRESIDENT CASSELL: Who handed me this just now?

MR. KAMENY: Is that referring to me?

PRESIDENT CASSELL: Yes.

MR. KAMENY: I handed it to you.

PRESIDENT CASSELL: When did you get this?

MR. KAMENY: Approximately three o'clock this afternoon.

PRESIDENT CASSELL: Three o'clock this afternoon?

MR. KAMENY: Yes.

PRESIDENT CASSELL: Delegate Jones, I have one which is an amendment sponsored by Theresa Howe Jones, signed by --

MS. JONES: Yes.

PRESIDENT CASSELL: When did that come in?

MS. JONES: That was done earlier on in the afternoon, about five o'clock.

PRESIDENT CASSELL: Today?

MS. JONES: Today.

PRESIDENT CASSELL: All right. It would appear --

MS. JONES: The two were filed together -- the one with the 15 delegates' names on it, and the one that has been sponsored by me. We attempted to mesh them together, and this was Mr. Terrell's waiving for us to do that.

PRESIDENT CASSELL: Yes. Well, do you have a suggestion, delegate Bruning, in connection with which of these is read first?

MR. BRUNING: I'm not sure if this is the correct procedure, but I would complete one or the other, or read both of them and have the delegates vote and the highest one wins.

MR. LOVE: It's called "fill in the blank" -- both choices, highest one wins.

MR. KAMENY: After a debate on the merits.

PRESIDENT CASSELL: All right. Let me read the two of these again. Delegate Graham, may I read these?

MS. GRAHAM: Yes, Mr. President.

PRESIDENT CASSELL: Okay. The motion before you now is to adopt Section 1 on legislative power. There are two amendments which appear to have come to the Chair simultaneously, so what we're going to do is read them both and

take a vote on them both, and the one that gets the higher number of votes is the one that prevails.

The first one is delegate Kameny's amendment to call the state legislature "The Legislature," and its members "legislators." This is accepted by the committee. It says that you will perfect the language. Was it supposed to --

MS. JONES: I beg your pardon, Mr. President. It is waived by the chair.

MR. KAMENY: No. Terrell's answer goes beyond that.

MS. JONES: Mr. Terrell, as chairman, is the person to waive to say that it can come in as an amendment. He did not check with the committee, and I am bringing the light to the convention that Mr. Terrell is only waiving so that this amendment can come in.

PRESIDENT CASSELL: I think I understand.

MS. JONES: I'm sorry to disagree with Mr. Terrell, but --

PRESIDENT CASSELL: I don't have any problem with your exercising that.

The other one is the amendment sponsored by delegate Theresa Howe Jones, which is also signed by James Terrell, which reads, "In Section 1, line 4, and where appropriate, the word 'Legislature' be changed to 'The House of Delegates.'"

Accordingly, where appropriate in the article, all references to 'legislators' will be changed to 'delegates.'"

Those who would prefer --

MR. KAMENY: Isn't there going to be discussion, Mr. Chair?

PRESIDENT CASSELL: All right. If you would like discussion --

MS. JONES: Excuse me, Mr. President.

PRESIDENT CASSELL: Yes?

MS. JONES: A point of procedure. I did place two amendments, similar, that we attempted to mesh together. Fifteen delegates have signed. I don't know why it's not up there, but here are my copies.

MR. COOPER: Fifteen, but one must sign; that is, Terrell.

MS. JONES: Excuse me, Mr. Secretary. We attempted to mesh them together so that it didn't have to come to the secretary. It goes through the chairman to the table. That's my understanding.

PRESIDENT CASSELL: Is there any difference between this and what I've read?

MS. JONES: The only difference is the wording and the way it is put together, and we attempted to mesh both of

them together.

PRESIDENT CASSELL: All right. Let me withdraw this one and read the one that has the signatures on it. Would that be satisfactory?

MS. JONES: Yes. I have no problem with that.

PRESIDENT CASSELL: Okay. Now, I read to you two, right? Let me withdraw the last one, which refers to the House of Delegates, and read this one, which comes from delegate Jones.

"We, the undersigned delegates, wish to move to name our proposed legislature, which remains unnamed at this point, 'The House of Delegates' by inserting the following phrase after the word 'Legislature' on line 4, page 1: 'which shall be called the House of Delegates.'" I really don't see the difference.

MR. COOPER: There's no difference.

PRESIDENT CASSELL: Discussion on the Kameny proposal, and then discussion on the Jones proposal, and then we'll vote. Mr. Kameny?

MR. KAMENY: Thank you, Mr. President. First, the assertion that our legislative body remains unnamed at the moment is flatly untrue. All one needs to do is to read this constitution from end to end to see to it that it has been

named dozens of times with a capital "L" as "The Legislature." Members are referred to throughout -- order, please. Let us have silence and listen to what's going on -- courtesy.

PRESIDENT CASSELL: Delegate Kameny --

MR. KAMENY: Now --

PRESIDENT CASSELL: Hold it just a minute, delegate Kameny. Fellow delegates, it really hurts my ears when delegate Kameny sounds off. Please, relieve the Chair by being quiet. I can only take so much of that, especially if we have to be here until three o'clock tonight.

MR. KAMENY: As I was saying when I was so rudely interrupted, the members of the body are referred to repeatedly, dozens of times throughout this constitution from start to finish, as "legislators." It has been amply named.

Now, "Legislature" is a respectable, fine term, clear in meaning, and "legislators" the same. There is no disparagement in it. "House of Delegates" and terms of that kind come from two-body legislatures where you usually have a senate and a house-of-something-or-other, as in the General Assembly in Maryland, where they have chosen another name for their whole body because they have to have three words.

We have all become accustomed thoroughly -- at least I certainly have, and I think most of us have; everybody seems

185 — to be speaking smoothly in the last few weeks of the Legislature and the legislators. In all of the articles that have appeared, we have referred to it; there seems to be no problem with it.

I urge you simply to adopt what is already there and not put our time-pressed Style and Drafting Committee and convention to the trouble of changing the words from end to end of this constitution, although that's purely an incidental, practical concern, and use a term that seems eminently suitable, which seems the best at hand, which seems to express the idea needed with perfection and without ambiguity, and which serves our purposes better than any other alternative that I have heard, including, by far, the one that you are being presented with, "House of Delegates." Thank you. Vote "Legislature" and "legislators."

PRESIDENT CASSELL: Question, delegate Kameny. How would a legislator be referred to, say, in a letter?

MR. KAMENY: "Dear Legislator Smith," as "Senator Smith" or "Delegate Smith," or whatever.

PRESIDENT CASSELL: Thank you. Delegate Jones?

MS. JONES: Thank you. I'd like to say that "House of Delegates" is better-sounding. To call "Legislator Smith," "Delegate Smith" sounds better. And then last but not least,

we do have 16 votes from the people who signed our amendment. So, I urge you to vote for our amendment because "The House of Delegates" is a better-sounding name. I think it gives us a status that we would not have, being called "legislators." And I do believe that it's the will of this body because we did have so many delegates to this convention sign that they agreed with "The House of Delegates." I urge you to vote for it. Thank you.

PRESIDENT CASSELL: Further discussion? Delegate Barnes?

MR. BARNES: I just have a point of information. How is the Kameny action different from no action? It's already named "Legislature," I thought.

PRESIDENT CASSELL: Kameny is actually opting for the status quo.

MR. KAMENY: Exactly.

MR. BARNES: The status what?

PRESIDENT CASSELL: The status quo.

MR. BARNES: To keep things as they are?

PRESIDENT CASSELL: If we did nothing, Kameny's desires would be realized.

MR. BARNES: So, the correct interpretation should be we're voting for the Jones amendment, and that's all. Dr.

Kameny is speaking against it.

MR. KAMENY: In effect, yes.

PRESIDENT CASSELL: Technically speaking, that is correct.

MR. BARNES: Okay.

PRESIDENT CASSELL: Further discussion? Delegate Coates?

MR. COATES: Mr. President, since we've left so much in the constitution "as prescribed by law," it would appear to me that choosing "The House of Delegates" would give to those who make the laws a closer association with the people, and so I urge the support of Theresa Jones' amendment.

PRESIDENT CASSELL: Delegate Blount?

MR. BLOUNT: I move the previous question.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we terminate debate. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: All right. The motion on the floor is to name the legislature "The House of Delegates." Those in favor of that motion, indicate by raising your hands.

MR. JORDAN: What is this for?

MR. KAMENY: "House of Delegates."

MS. GRAHAM: "House of Delegates."

MR. COOPER: Twenty.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Three.

PRESIDENT CASSELL: Those abstaining?

MR. COOPER: Three.

PRESIDENT CASSELL: All right. The Jones motion passed.

MS. JONES: I appreciate that, delegates.

PRESIDENT CASSELL: The legislature shall now be named "The House of Delegates." The amendment is to Section 1.

MR. LOVE: Mr. Chair?

PRESIDENT CASSELL: Hold on a minute now. Delegate Graham, we just amended Section 1, is that correct?

MR. COOPER: Yes.

PRESIDENT CASSELL: Okay.

MR. KAMENY: And every other section in the constitution, just about.

MR. LOVE: Not necessarily.

PRESIDENT CASSELL: Delegate Love?

MR. LOVE: I'd like to ask the delegates -- what I would like to do is say, "The legislative power of the State shall be vested in the legislature, which shall be called The House of Delegates."

Now, if Style and Drafting has the time to change "legislators" all the way through the constitution to "delegates," we will try. But if we don't, we still have given a name to the body, even though later on in other sections, we may end up calling them "legislators" because we don't have the time to get our keypuncher to change everything. Is that okay?

MS. GRAHAM: Mr. President?

PRESIDENT CASSELL: Yes?

MS. GRAHAM: As chairman of Style and Drafting, we will make that change.

PRESIDENT CASSELL: Thank you; that is highly desirable.

(Applause.)

PRESIDENT CASSELL: The motion on the floor now is to adopt Section 1, as just amended. Those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Those abstaining?

MR. COATES: Point of information, Mr. President.

PRESIDENT CASSELL: All right. The motion carries; Section 1 has been adopted. Delegate Coates?

MR. COATES: This is a point of information for the knowledge of the delegates. This is the word processing manual; it has a global edit capability. By changing "Legislature" once, it will change all appearances of it in the document.

PRESIDENT CASSELL: Is that the word processor that we have access to?

MR. COATES: That's correct, sir.

MR. LOVE: I think ours is a distant member.

PRESIDENT CASSELL: Pass that on to the committee. Delegate Moore?

MR. B. MOORE: I move Section 2, entitled "Composition of the Legislature."

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

MR. B. MOORE: I move that it be adopted.

PRESIDENT CASSELL: Do we have an amendment to that?

MR. LONG: I have submitted an amendment.

PRESIDENT CASSELL: Has this been distributed?

MR. LONG: Yes.

PRESIDENT CASSELL: Mr. Secretary, do you have this?

MR. COOPER: No.

PRESIDENT CASSELL: Let us read it. In Section 2, line 9, substitute "single member" for "individual."

MR. COOPER: I have that.

PRESIDENT CASSELL: The secretary does have it. Delegate Long?

MR. LONG: "Single member" is the wording of the committee. Style and Drafting has tried to simplify this by using the word "individual." I believe that "single member" is unmistakable in meaning, and "individual" leaves some ambiguity. It could be that more than one person could be elected from an individual legislative district.

So, I think if we go back to the original wording, there's no ambiguity as to the meaning that every member should be elected from one district only.

PRESIDENT CASSELL: Who seconded that motion?

MS. MAGUIRE: I did.

PRESIDENT CASSELL: All right.

MS. JONES: Mr. President?

PRESIDENT CASSELL: Let me hear from the committee first.

MR. B. MOORE: The committee has agreed to accept that change in terminology.

MS. JONES: Mr. President?

PRESIDENT CASSELL: Yes, delegate Jones?

MS. JONES: I maintain that there are some things that Style and Drafting simply cannot do, and this is one of the major changes that Style and Drafting has done. This is no amendment from delegate Long. This is the fact that "single member" had a meaning, and Style and Drafting changed a major meaning by saying "individual." We don't need an amendment for that.

Style and Drafting must leave some things in here that have meanings that are explicitly clear for the intent of this article. I'm saying to Style and Drafting, through the President, that there are some things that they simply cannot change. "Single member" was a definition of the legislative districts, and you can't say "individual" because you want to take two words and make them one.

So, we don't need an amendment on that, and the committee does not have to accept it. You have to put back

what was originally there.

MS. GRAHAM: Mr. President, what we can do is, if you want "single member," there's no problem. We thought it would be better that way, but if you want "single member," we can put it right back in there.

MS. JONES: But, Chestie, that's not the point.

PRESIDENT CASSELL: Apparently, there is no serious problem. The committee assumed, whether correct or not, that the two words were synonymous and that they meant the same thing.

MS. GRAHAM: Yes.

PRESIDENT CASSELL: Inasmuch as the committee has no objection to that, then let us make the substitution by common consent, or the replacement.

MS. JONES: Replacement.

PRESIDENT CASSELL: Very good. Without objection?

(No response.)

PRESIDENT CASSELL: Very good. Is Section 2 on the floor?

MR. COOPER: Yes.

MR. B. MOORE: Yes.

PRESIDENT CASSELL: All right. Further discussion on Section 2?

(No response.)

PRESIDENT CASSELL: There being none, all of those in favor of Section 2, with the reinsertion of the words "single member," indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: Section 2 is adopted. Delegate Moore?

MR. B. MOORE: I move that Section 2, entitled "Qualifications of Members," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Section 3, "Qualifications of Members," line 13, be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 3 is adopted. Delegate Moore?

MR. B. MOORE: I move that Section 4, entitled "Disqualifications," be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: Section 4, "Disqualifications" --

MS. JONES: Mr. Chairman?

PRESIDENT CASSELL: Speak it.

MS. JONES: Excuse me, Mr. President -- well, no; I'm going to let that alone, but I'll be back after you all again because you all are just changing anything you all feel like changing.

PRESIDENT CASSELL: Further discussion?

(No response.)

PRESIDENT CASSELL: Those in favor of adopting Section 4, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 4 is adopted. Section 5?

MR. B. MOORE: I move that Section 5, entitled "Term in Office," be adopted.

PRESIDENT CASSELL: Second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 5, "Term in Office," be adopted. Discussion? Discussion? Discussion? Discussion?

(No response.)

PRESIDENT CASSELL: There being none, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The section is adopted. Section 6?

MR. B. MOORE: I move that Section 6, entitled "Time of Election," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that

Section 6, "Time of Election," be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being none, those in favor, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There were four "nays.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Let me see the hands on that. Those in favor of Section 6, "Time of Election" --

MS. JONES: Mr. President, this whole section has been cut out.

PRESIDENT CASSELL: Wait a minute. I called "discussion" three times and got no response. If there is some serious omission --

MS. JONES: There is some serious --

PRESIDENT CASSELL: -- I will ignore the delay. Yes?

MS. JONES: I don't mean to delay, but can Style and Drafting tell me where they inserted in here somewhere "all districts shall be so nearly equal in population that the population of the largest district shall not exceed that of the smallest district by more than five percent?"

PRESIDENT CASSELL: What section are you referring to?

MS. JONES: Section 6.

PRESIDENT CASSELL: "Time of Election?"

MS. JONES: Section 6. See, we can't follow one from the other.

PRESIDENT CASSELL: What is the question on the floor, please?

MS. JONES: Let me say what my confusion is.

PRESIDENT CASSELL: I want to know what the question is.

MS. JONES: As we look at the article as was sent forth from the committee, we cannot follow what we have from Style and Drafting, and my question to Style and Drafting is where these things are. You have to tell me that.

PRESIDENT CASSELL: Before there's an answer, would you read Section 6?

MS. JONES: I think that an explanation ought to be given before we get into this as to what Style and Drafting did to the legislative article.

PRESIDENT CASSELL: Delegate Jones, the Chair really doesn't know what it is they may have left out. Can you read what they have and what you feel has been violated?

MS. JONES: This is the article that was discharged from the committee.

PRESIDENT CASSELL: Which reads?

MS. JONES: The sections do not match what Style and Drafting did. Style and Drafting needs to give a complete explanation as to where things are.

PRESIDENT CASSELL: Okay. That's the question, and the question has to do with the sections which don't seem to match. Bob Love?

MR. LOVE: Delegate Jones is entirely correct. That particular section that was in Legislative deals with the apportionment of people to districts in terms of the size of the districts and their being compact and contiguous. So, for consistency's sake, we have put all of that into the apportionment section. I think she will find, when we get to the apportionment section, that all of that is contained in the apportionment section.

MR. KAMENY: Mr. President, may I read from Section 2 on page 2 of 4, "Apportionment Standards?" "Each district shall have a population which varies by no more than three percent from the average population of all districts. Each district shall respect neighborhood integrity, be contiguous, and be as compact as possible."

MS. JONES: Frank, that's fine, but they need to say what they are doing before they do it as each article is moved.

PRESIDENT CASSELL: All right. We're on Section 6, "Time of Election." Further discussion on Section 6, "Time of Election?" Further discussion on Section 6, "Time of Election?"

(No response.)

PRESIDENT CASSELL: There being none, those in favor of adopting Section 6, indicate by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Section 6 is adopted. Delegate Moore?

MR. B. MOORE: I move that Section 7, entitled "Vacancies," be adopted.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is moved and seconded that Section 7 on vacancies be adopted. Discussion?

(No response.)

PRESIDENT CASSELL: There being no discussion, those in favor of adopting Section 7, signify by saying aye.